

# GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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## • MEMBER TRIBES •

### MICHIGAN

Bay Mills Community  
Keweenaw Bay Community  
Lac Vieux Desert Band

### WISCONSIN

Bad River Band  
Lac Courte Oreilles Band  
Lac du Flambeau Band

### MINNESOTA

Fond du Lac Band  
Mille Lacs Band

Red Cliff Band  
St. Croix Chippewa  
Sokaogon Chippewa

## FY 2013 TESTIMONY

### HOUSE COMMITTEE ON APPROPRIATIONS

### SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

BY

**JAMES E. ZORN, EXECUTIVE ADMINISTRATOR**

**GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)**

### AGENCIES – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

**1. BIA GREAT LAKES AREA RESOURCE MANAGEMENT: \$6,367,000** (FY 2013 requested allocation within the Administration's FY 2013 Rights Protection Implementation request in the amount of \$32,645,000).

**Agency/Program Line Item:** Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Rights Protection Implementation, Great Lakes Area Resource Management.

**Funding Authorizations:** Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes, specifically Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109.<sup>1</sup>

**2. BIA CONTRACT SUPPORT: \$228,000,000.**

**Agency/Program Line Item:** Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Tribal Government.

**Funding Authorization:** Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h.

**3. EPA GREAT LAKES RESTORATION: \$300,000,000. TRIBAL NEED: \$25,000,000. GLIFWC NEED: \$1,200,000** (estimated annual need).

**Agency/Program Line Item:** Environmental Protection Agency, Environmental Programs and Management, Geographic Programs, Great Lakes Restoration.

**Funding Authorizations:** Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.  
**GLIFWC'S GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES**

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<sup>1</sup> The rights guaranteed by these treaties, and the associated tribal regulatory and management responsibilities have been affirmed by various court decisions, including a 1999 US Supreme Court case.

For over 25 years, Congress has funded GLIFWC to meet non-discretionary treaty obligations and associated federal court orders. This funding has allowed GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that ensure member tribes are able to exercise their treaty reserved rights to hunt, fish, and gather throughout the ceded territories, and that ensure a healthy and sustainable natural resource base to support those rights. These programs also provide a wide range of public benefits and assure full participation in management partnerships in Wisconsin, Michigan, and Minnesota.

GLIFWC and its member tribes would like to take this opportunity to thank Congress, and specifically this Subcommittee, for its strong support of these treaty obligations. The Subcommittee acted in FY 2012 to increase its support for treaty rights protection and the Administration followed suit by more fully supporting these treaty obligations in its FY 2013 request. GLIFWC recently estimated the full cost of its program at approximately \$9,870,000, including: \$5,434,000 provided in FY 2012 through the RPI line item, approximately \$1,800,000 provided by grants and other “soft” funding in FY 2012, and \$2,636,000 in unmet needs. Funding at the proposed FY 2013 level would begin to address these unmet needs. For more detail, the three elements of this FY 13 funding request are:

**1. BIA GREAT LAKES AREA MANAGEMENT: \$6,367,000.** This program falls within the Rights Protection Implementation (RPI) line item, which is proposed at \$32,645,000 in FY 2013. Funds provided to GLIFWC under the RPI program ensure that GLIFWC’s member tribes continue to comply with federal court orders by ensuring effective implementation of tribal self-regulatory and co-management systems.

In previous fiscal years, GLIFWC has testified about chronic underfunding of the Rights Protection Implementation line item and the impacts of that underfunding on GLIFWC’s programs. In FY 2010, Congress recognized this threat and provided a much-needed increase in support. Following Congressional lead, the Administration has incorporated and supplemented that increase in its FY 2013 proposal. The funding provided through the Great Lakes Area Resource Management line item in FY 2010 allowed GLIFWC to restore some program cuts. Funding at the proposed FY 2013 level would enable GLIFWC to meet even more of its program needs, including funding for research and assessments of threats to the ceded territories and for conservation enforcement officers.

**2. BIA CONTRACT SUPPORT: \$228,000,000.** GLIFWC supports the \$228,000,000 proposed for Contract Support. This amount would meet the needs identified in the most recent Contract Support Shortfall Report to fully fund this account, which provides funds to meet costs incurred in fulfilling administrative requirements that are mandated when operating programs, including costs for accounting, personnel administration, and property management. Rectifying this chronic underfunding will allow GLIFWC to direct scarce resources toward restoring program cuts and service capacity.

**3. EPA Environmental Programs and Management: \$300,000,000.** GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) at no less than the Administration’s proposed FY 2013 level of \$300,000,000. It also recommends that at least \$25

million be provided to the BIA for tribes, to ensure they are able to undertake local projects that contribute to the protection and restoration of the Great Lakes.

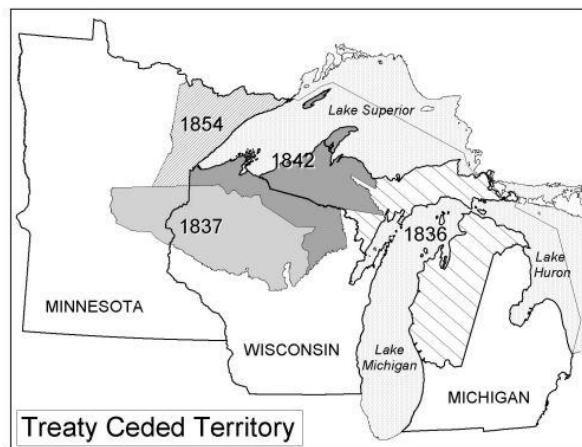
Sustained funding for GLIFWC at approximately \$1.2 million will enable GLIFWC to retain jobs created through this program, to fully implement projects it undertook to meet the goals of the GLRI, and to meaningfully participate in the decision-making processes that will affect the treaty rights of its member tribes.

Funding provided through the BIA should be made available under the Indian Self-Determination and Education Assistance Act (ISDEAA). In 2010, GLRI funding awarded through the ISDEAA was virtually the only GLRI funding that was available before the 2010 field season. This enabled tribes to begin project implementation much earlier and realize substantial, early “on-the-ground” ecosystem benefits.

### **CEDED TERRITORY TREATY RIGHTS – GLIFWC’S ROLE AND PROGRAMS**

Established in 1984, GLIFWC is a natural resources management agency of eleven member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area that extends to Minnesota, Wisconsin, and Michigan.

Through its staff of 65 full-time biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists, GLIFWC’s mission is to: i) ensure that its member tribes are able to exercise their Treaty-protected rights to meet subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base to support those rights. GLIFWC is a “tribal organization” as defined by the Indian Self-Determination and Education Assistance Act, governed by a Constitution that is ratified by its member tribes and by a Board composed of the Chairs of those tribes.



### **JUSTIFICATION AND USE OF THE REQUESTED FUNDS**

With the requested stable funding base, GLIFWC will:

**1. MAINTAIN THE REQUISITE CAPABILITIES TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS:** Although it does not meet all GLIFWC’s needs, sustained funding at the FY 2013 level would go a long way in facilitating continued tribal compliance with various court decrees and intergovernmental agreements governing the tribes’ treaty-reserved hunting, fishing and gathering rights. It also enhances GLIFWC’s capability to undertake work and participate in relevant partnerships to tackle ecosystem threats that harm treaty natural resources, including invasive species, habitat degradation and climate change.

**2. REMAIN A TRUSTED ENVIRONMENTAL MANAGEMENT PARTNER AND SCIENTIFIC**

**CONTRIBUTOR IN THE GREAT LAKES REGION:** With the requested EPA funding base, GLIFWC would maintain its role as a trusted environmental management partner and scientific contributor in the Great Lakes Region. It would bring a tribal perspective to the interjurisdictional mix of Great Lakes managers<sup>2</sup> and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.<sup>3</sup>

**3. MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS:** Over the years, GLIFWC has become a recognized and valued partner in natural resource management. Because of its institutional experience and staff expertise, GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources, ii) maximize each partner's financial resources and avoid duplication of effort and costs, iii) engender cooperation rather than competition, and iv) undertake projects and achieve public benefits that no one partner could accomplish alone.<sup>4</sup>

#### **OTHER RELATED APPROPRIATIONS CONCERNS**

**1. Support for BIA Conservation Law Enforcement Officers:** GLIFWC supports BIA's proposal to provide \$500,000 in FY 2013 to support conservation officers like those employed by GLIFWC. This program will assist tribal conservation enforcement programs in protecting and monitoring natural resources both on and off-reservation.

**2. BIA Circle of Flight Tribal Wetland & Waterfowl Initiative:** GLIFWC supports BIA funding of the Circle of Flight Tribal Wetland & Waterfowl Enhancement Initiative for Michigan, Minnesota, and Wisconsin. The Circle of Flight program is a long-standing tribal contribution to the North American Waterfowl Management Plan that has leveraged matching partnership funding on a 3 to 1 ratio. In 2010, this program was awarded a Department of Interior "Partners in Conservation" Award.

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<sup>2</sup>GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior, International Joint Commission and SOLEC forums, the Great Lakes Restoration Initiative, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

<sup>3</sup> With the requested FY 2013 funds, GLIFWC would: i) continue a ceded territory wild rice enhancement project; ii) facilitate tribal input and participation in the implementation of the revised Great Lakes Water Quality Agreement; iii) continue to participate in the development and implementation of the Lake Superior Lakewide Management Plan; iv) build upon its long-standing fish contaminant analysis and consumption advisory program by testing additional species, testing in a wider geographic range, and testing for chemicals of emerging concern; v) enhance its invasive species and animal disease prevention, monitoring and mitigation programs, particularly given the potential impacts of climate change, the recent discovery of viral hemorrhagic septicemia (VHS) in Lake Superior and the potential migration of the Asian Carp into the Great Lakes, and vi) enhance its capacity to protect ceded territory natural resources by responding to development proposals such as those related to mining.

<sup>4</sup> For example, on March 14, 2012, U.S. District Judge Barbara B. Crabb sentenced Norberto Burciago to 10 years in federal prison for his involvement in a conspiracy to manufacture marijuana in the Chequamegon-Nicolet National Forest. The "grow" was discovered by hunters, monitored by law enforcement, and raided by more than 200 law enforcement officers from a dozen local, state, and federal agencies, including 9 officers from the Great Lakes Indian Fish and Wildlife Commission.